54

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/086,294	05/28/1998	PEGGY M. STUMER	98-P-7528-US	8062

7590   07/14/2005

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EXAMINER
AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/086,294	STUMER, PEGGY M.
		Examiner	Art Unit
		Hector A. Agdeppa	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 April 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to applicant's amendment filed on 4/29/05. Claims 1 –

19 are now pending in the present application. **This action is made final.**

Claim Objections

2.   Claim 1 is objected to because of the following informalities: For the sake of

clarity, it is general practice to define an acronym or abbreviation before its first use in

the claims. Therefore, claim 1 should recite time division multiple access (TDM) instead

of simply TDM. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

3.   Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Pat 5,915,008 (Dulman) in view of US 5,555244 (Gupta et al.) or in the alternative

US 6,169,735 (Allen, Jr. et al.)

Regarding claims 1 – 5 and 9, Dulman teaches a system and method for

provisioning and accessing AIN services such as call transfer, routing, or redirection.

Dulman accomplishes such via either a mediating ISCP 22 that mediates queries and

responses and/or an access server 48 that receives service requests, as an

intermediary server to the service-providing node or element, and decodes/translates

any necessary data/info in or from the service request to decide which node or element

will handle the service request. Dulman teaches a broader, general overview of the

aspects of the claimed invention. The following secondary references are used as

specific and concrete examples of features and apparatuses that while not specifically

discussed in Dulman, are at least obvious for one of ordinary skill in the art at the time

the invention was created, to have included in the invention of Dulman. (Abstract, Figs.

1, 2, and 5A – 5C, Col. 4, line 28 – Col. 5, line 14, Col. 6, line 60 – Col. 16, line 45. of

Dulman)

ISCP 22 may also be read as the claimed intervening or intercepting server and

original server that determines whether execution of supplementary service requests is

carried out by itself or by another of a plurality of SCPs/servers such as SCP 28.

Dulman teaches that all requests are routed through ISCP 22 which may process the

call itself or if required go to another SCP, such as SCP 28 to obtain the information

needed to process the call. Specifically, ISCP 22 processes the instructions from an

alternate carrier's SCP, which in effect is processing by another server. (Col. 9, lines 25

– 55 of Dulman) Also, Dulman teaches that the network may have more than one ISCP

and if a first element is backlogged, another SCP may be used to service a call or

request. (Col. 15, lines 22 – 33) Because all calls/requests will go through ISCP 22

first, it is analogous to an intervening server, and as already discussed, it determines

whether or not to process a call/request itself or go to another SCP/server, which of course would be different from ISCP 22, i.e., the original server.

Furthermore, Dulman teaches link optimization in the form of considering how to route calls/requests/data information according to least used and least cost routes. The decision to route calls and requests using least used or least cost routes or even preferred routes, are based on customer's preferences, or optimization considerations taken into account when trying to effect a service or complete a call. (Col. 15, lines 5 – 20)

What Dulman does not explicitly teach is a TDM communications network.

However, Gupta et al. teaches that it is old and well known for telecommunications service providers to increase bandwidth and services, wherein a network can be comprised of TDM, frame relay, SMDS, etc. (Col. 1, lines 10 – 20 and Col. 2, lines 20 – 29 of Gupta et al.) Because Dulman already teaches that data can be routed to AIN nodes using frame relay, a packet switched network, and SMDS among others, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented the system of Dulman in a TDM network. Because Gupta et al. teaches that TDM, frame relay, and SMDS are known alternatives / alternative networks, TDM would also be a viable alternative for Dulman because Dulman teaches known alternatives to be SMDS and frame relay. (Col. 4, lines 61 – 64 of Dulman)

In the alternative, Allen, Jr. et al. teaches that it is old and well known in standard telephony networks to employee TDM networks using AIN links. (Fig. 1 and Col. 1,

lines 15 – 40 of Allen, Jr. et al.) Therefore, it would have been obvious to use TDM

network and AIN links to connect the AIN nodes taught by Dulman as already discussed

above. Note that Fig. 1 of Allen, Jr. et al. shows SS7 links and SS7 links are

synonymous with AINs because SS7 is the standard protocol used in AINs.

As to claim 6, both Dulman via the use of schedules, Col. 18, lines 11 – 16, allow

various services to be activated/deactivated.

As to claims 8 and 10 – 12, see above-mentioned sections of Dulman which

teach the use of optimization parameters such as timing or least cost routes, as well as

predetermined conditions whether it be via direct customer input or via schedules or

other predetermined means, wherein services may be enabled/disable and

resources/elements/nodes are accessed or not accessed.

As to claim 7, such is inherent or at the very least obvious for one skilled in the

art to implement as most system will recalls or behave accordingly when a service fails

in that usually, it is not desirable for system resources to be tied up indefinitely which

would be the case, if a failed service request were to be tried and re-tried over and over

again – hence the need for some sort of recall. Moreover, Dulman teaches that an error

message may be sent to a customer or alternative rerouting is performed for a customer

when there is a system failure or when an SCP, for example, is unavailable. (Col. 15,

lines 1 – 9)

4.   Claims 13 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Pat 5,915,008 (Dulman) in view of US 5,555244 (Gupta et al.) or in the alternative

US 6,169,735 (Allen, Jr. et al.), and further in view of US Pat 5,999,610 (Lin et al.)

As to claims 13 and 17, Dulman, Gupta et al., and Allen, Jr. et al. have been

discussed above.

The standard operation of intelligent networks involves the detection of triggers

which invoke call suspension and a switch/SSP communicating with an associated

SCP(s) to obtain further call processing instructions for a call when anything other than

standard call routing is needed. Such triggers read on the claimed supplement service

signals.

What they do not teach is a list of one or more servers' addresses, listed in order

of redirection priority.

However, Lin et al. teach a system wherein multiple SCPs are used and

depending on instructions stored in tables or databases, SCPs may be

queried/accessed for call processing either simultaneously or in some predetermined

order. (Figs. 2 – 16, Col. 2, line 63 – Col. 3, line 14, Col. 5, lines 9 – 34, Col. 10, line 37

– Col. 15, line 30, Col. 18, line 1 – Col. 19, line 13, Col. 23, line 15 – Col. 24, line 52,

Col. 29, lines 27 – 35, Col. 32, lines 26 – 33, Col. 33, line 58 – Col. 46, lin3 55 of Lin et

al.)

It would have been obvious for one of ordinary skill in the art at the time the

invention was made to have combined the Dulman, Gupta et al. or Allen, Jr. et al., and

Lin et al. inasmuch as both Dulman and Lin et al. teach the use of multiple SCPs to

service/handle supplementary services and Lin et al. merely introduces a different method of dealing with multiple SCPs.

As to claim 14, see the rejection of claim 6. Waking a service is equivalent to activating it at a certain time, dependent for example, as taught by Dulman, a customer's schedule.

As to claim 15, direct access to or pointers used to indicate a service or any piece of information in a database is notoriously old and well known in the telephony as well as database arts.

As to claims 16, see the rejection of claims 1 and 6.

As to claim 18, the functionality of a control system at every server interface is included in any SCP. The SCP of any intelligent network controls call processing and moreover, the SCP must be able to communicate with all intelligent network elements as well as elements such as an access server or various elements such as billing and data collector or intelligent peripherals as taught above by Dulman.

As to claim 19, a primary rate interface is merely the ISDN equivalent of a T1 line and T1 lines are the standard communications line used in digital communications. A basic rate interface is merely the other interface in ISDN. Whatever types of communication lines are chosen, these claimed are standard and at the least would have been an obvious choice for one of ordinary skill in the art to use inasmuch as they are the standard communication lines used in ISDNs.

Moreover, Dulman teaches contemplating the use of ISDN networks in the system. (Col. 10, line 44 – Col. 12, line 55 of Dulman)

Response to Arguments

5.   Applicant's arguments with respect to claims 1 - 19 have been considered but are moot in view of the new ground(s) of rejection.

However, for clarification, as to applicant's arguments regarding network resource usage, the recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Moreover, link optimization directly or at least indirectly reads on network resource usage because network links are network resources and link optimization would inherently involve controlling resources such as network links.

As to applicant's remaining arguments, the abstract of Dulman very clearly states that service requests are intercepted and translates any required information into the proper protocol to be forwarded to the proper network element. Any of the AIN network elements may be read as a server. (Abstract of Dulman) Also, Dulman teaches that services may be split at least between an ISCP 22 belonging to one service provider or network and an SCP 28 belong to another service provider or network. These SCPs

then also read on the claimed another server. (Col. 8, line 46 – Col 9, line 13 of

Dulman)

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hector A. Agdeppa whose telephone number is 571-

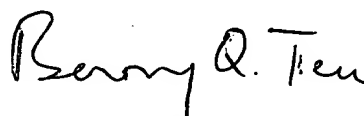272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

H.A.A.
July 8, 2005

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PRIMARY EXAMINER
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